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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/621,384   | 07/21/2000  | Youn-Man Lee         | P2014               | 4446             |
| 33942  | 7590        | 11/03/2004           | EXAMINER            |                  |
| CHA & REITER, LLC<br>210 ROUTE 4 EAST STE 103<br>PARAMUS, NJ 07652 |             |                      | MEHRPOUR, NAGHMEH   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2686                |                  |

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/621,384

Applicant(s)

YOUN-MAN LEE

Examiner

Naghmeh Mehrpour

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: please see the attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

*Marsha D Banks-Harold*

MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

***Response to Arguments***

1. Applicant's arguments filed 09/21/04 have been fully considered but they are not persuasive.

In response to the applicant's argument that *"Son does not check whether a user of the telephone activates the Send key to place a call from the telephone as explicitly required by the language of present application as recited in claim, and nowhere does Son disclose or suggest deactivation of the power to the display of a telephone in response to initiating or placing a call from that telephone."*

Examiner disagrees with the applicant, Son detect the incoming call, and then activates the SEND key. Detecting the incoming call and activating the Send key (timer is reset). Another word, Son's system has to be able to check if the Send key is pressed, in order to reset the timer, then after the timer T1 is expired, Son deactivates the power supply to the display in response to the originating call from the telephone. If the call is not originated, the timer never resets and the deactivation of the power supply to the display never occurs. Therefore, similar to the present application, Son does check whether a user of the telephone activates the SEND key to originate a call from the telephone, and deactivates the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key.

In response to the applicant's argument that *Son fails to teach deactivation of the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key".*

In response to the applicant's argument that Son does not disclose step of checking whether a use of the telephone activates the SEND key to place a call is entered for the purpose of saving battery power consumption by controlling the display during a call connection, as in the subject of invention.

The Examiner states that Son does teach the LCD back light feature, the keypad back light is activated if a keystroke is entered while the time is within the predefined time period or window as illustrated by steps 306, 308, and 310 (see figure 6). Note also that the keypad back light can be similarly activated if the time is within the predefined window upon receipt of an incoming call. This feature may be omitted as most users do not access the keypad to accept the call other than where a keystroke is required to answer the call (e.g., by depressing the "send" key) (col 8 lines 1-10). Son further teaches a timer triggered on voice mail keystrokes may be implemented as being longer than a timer triggered on regular keypad keystrokes. Similarly, depression of a "send" button may trigger a shorter timer, as the "send" button is oftentimes the last button entered in placing or accepting a call. In other words, after the "send" button is pressed, in most scenarios, the user is not viewing the display or using the keypad, but immediately begins speaking on the handset (col 8 lines 34-47). Similarly, other time periods can be chosen for other keys, other sections of the keypad, or different time periods can be chosen based on the application being accessed by the device. This allows flexibility in establishing timeout periods to optimize the power-down features based on anticipated user habits (col 8 lines 42-48). Son does not mention specifically that Send key is for originating to establish a call in response to the incoming call. However Spitaletta teaches that Send key is the key for originating to establish a call in

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response to the incoming call (Col 3 lines 39-40, col 7 lines 35-43). *Therefore, Son modified by Spitaletta does teach deactivation of the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key*.

In response to the applicant's argument that there is no discussion of the user "originating a phone call from that telephone".

Examiner emphasizes that "*originating a call from a telephone*" is an ordinary action, and usually any cellular phone is able to originate a call from the telephone by pressing a send key or an answer key from a cellular phone. The Examiner does not see any novelty by originating a call from the telephone, in addition; Son does inherently teach the originating a call from the telephone.

In response to the applicant's argument that Son does not disclose step of checking whether a use of the telephone activates the SEND key to place a call is entered for the purpose of saving battery power consumption by controlling the display during a call connection, as in the subject of invention, the Examiner states that Son does teach the LCD back light feature, the keypad back light is activated if a keystroke is entered while the time is within the predefined time period or window as illustrated by steps 306, 308, and 310. Note also that the keypad back light can be similarly activated if the time is within the predefined window upon receipt of an incoming call. This feature may be omitted as most users do not access the keypad to accept the call other than where a keystroke is required to answer the call (e.g., by depressing the "send" key) (col 8 lines 1-10). Son further teaches a timer triggered on voice mail keystrokes may be implemented as being longer than a timer triggered on regular keypad keystrokes. Similarly, depression

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of a "send" button may trigger a shorter timer, as the "send" button is oftentimes the last button entered in placing or accepting a call. In other words, after the "send" button is pressed, in most scenarios, the user is not viewing the display or using the keypad, but immediately begins speaking on the handset (col 8 lines 34-47). Similarly, other time periods can be chosen for other keys, other sections of the keypad, or different time periods can be chosen based on the application being accessed by the device. This allows flexibility in establishing timeout periods to optimize the power-down features based on anticipated user habits (col 8 lines 42-48). Therefore, Son does detect the incoming call and presses the originating key, and after predetermined time the display light is turned off for the purpose of saving power consumption.

In response to applicant's argument that *Spitaletta fails to disclose deactivating the telephones display power in response to call origination from that telephone*, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this instance Son teaches a battery saving method of controlling the display of a portable telephone having a answer key and a display configured to be supplied with power (col 4 lines 32-38), comprising the steps of checking whether a user of the telephone activates the answer key to originate a call from the telephone, in response to an incoming call (col 7 lines 38-41, 49-53); deactivating the power supplied to the display in response to the call being originated from the telephone due to the activation of the answer key (col 6

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lines 11-20, col 7 lines 45-55). Spitaletta teaches that the Send key is the key for originating to establish a call in response to the incoming call (Col 3 lines 39-40, col 7 lines 35-43). Therefore, the combination more than adequately provides supports for the claimed limitation.

### **Conclusion**

**2. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 703-308-7159. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

November 1, 2004